



**US Army Corps
of Engineers®**
Nashville District

Public Notice

Public Notice No. 05-109

Date: December 19, 2005

Application No. 200301651

Please address all comments to:
Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Channel Relocation at Mile 1.1, West Prong Bird Creek, in Gatlinburg, Sevier County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (33 USC 1344)**. Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification.

APPLICANT: Mr. Marc Postlewaite
3759 Thomas Lane
Sevierville, Tennessee 37876

LOCATION: At Mile 1.1, West Prong Bird Creek, northeast corner intersection of Glades Road and Watson Drive, in Gatlinburg, Sevier County, Tennessee, Lat 35° 44' 51", Long 83° 27' 01", Richardson Cove-TN and Mount Le Conte-TN, USGS Quad maps.

DESCRIPTION: The proposed work consists of the relocation of approximately 1,000' of the existing stream south on the property. The existing channel is relatively straight, has a fairly uniform cross section (4' deep, 5' wide at bottom, and 10' wide at top), and lacks adequate canopy. The proposed channel would be 1,400' long and have a more natural path that would introduce numerous horizontal and vertical alignment changes. Grading activity would be limited to within 20' to 25' of the new stream bank tops. Mitigation of the new channel would be accomplished by constructing in-stream structures to establish ripples and pools, natural meanders, and a riparian buffer. The proposed riparian buffer would be planted at a rate of 400 stems per acre. Plant selection would be from the following: sycamore, silky dogwood, green ash, sweetgum, red maple, pin oak, hazel, alder, Virginia willow, spicebush, leadplant, choke berry, and sweet shrub. Before flow is diverted from the existing stream to the relocated stream, the new banks would be chemically treated to remove undesired vegetation species. Plantings would be monitored for five years to assure a survival rate of 75%. The relocated stream would have a road crossing installed (approximately 25' long) and a footbridge. An area of wet meadow wetlands is present between the existing stream and Glades Road. The wetlands would have a covered bridge approximately 55' long completely spanning a narrow section.

The purpose of the work is to allow development of the applicant's property into an artisan community containing shops, restaurants, and passive recreation opportunities.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

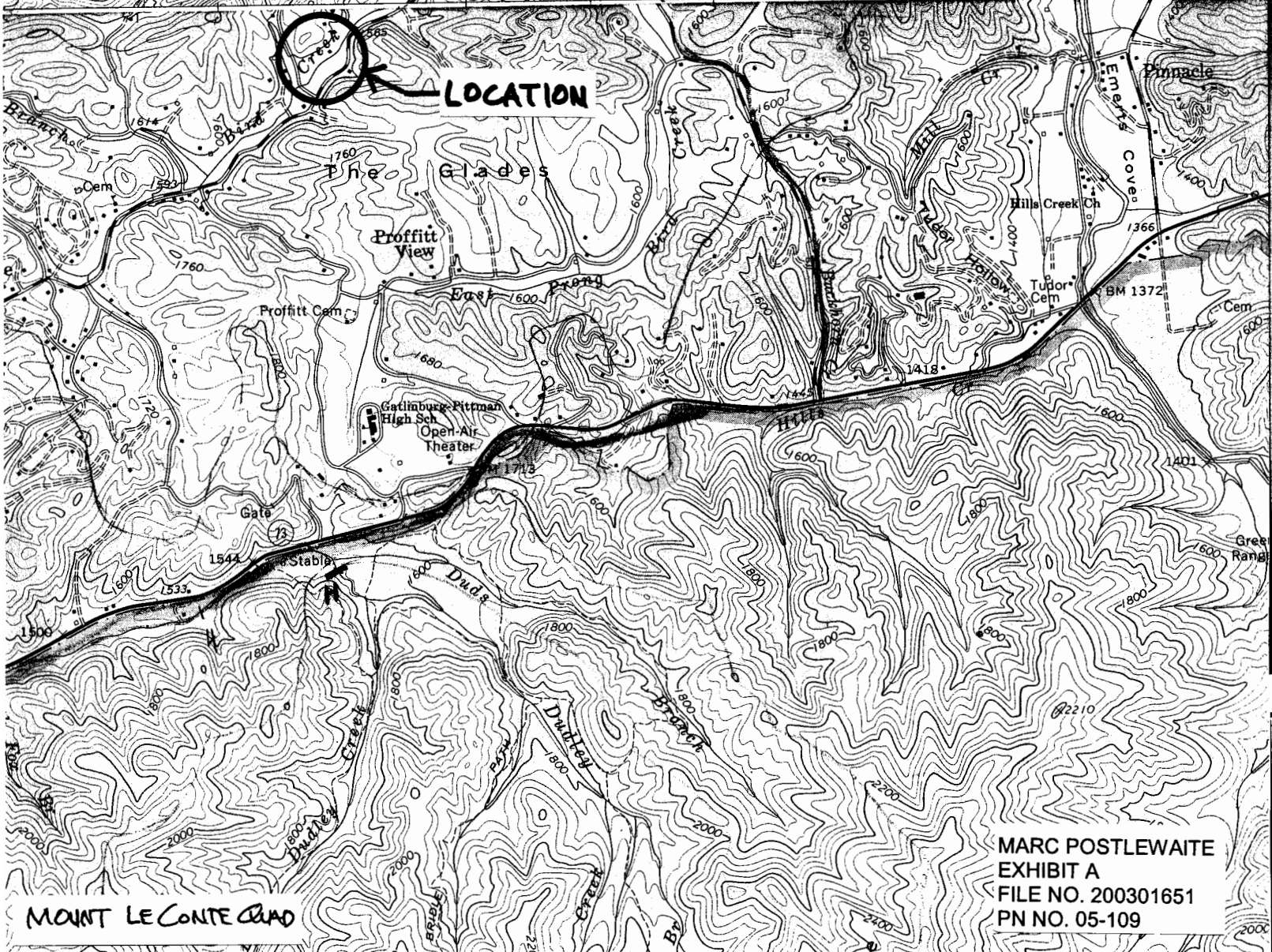
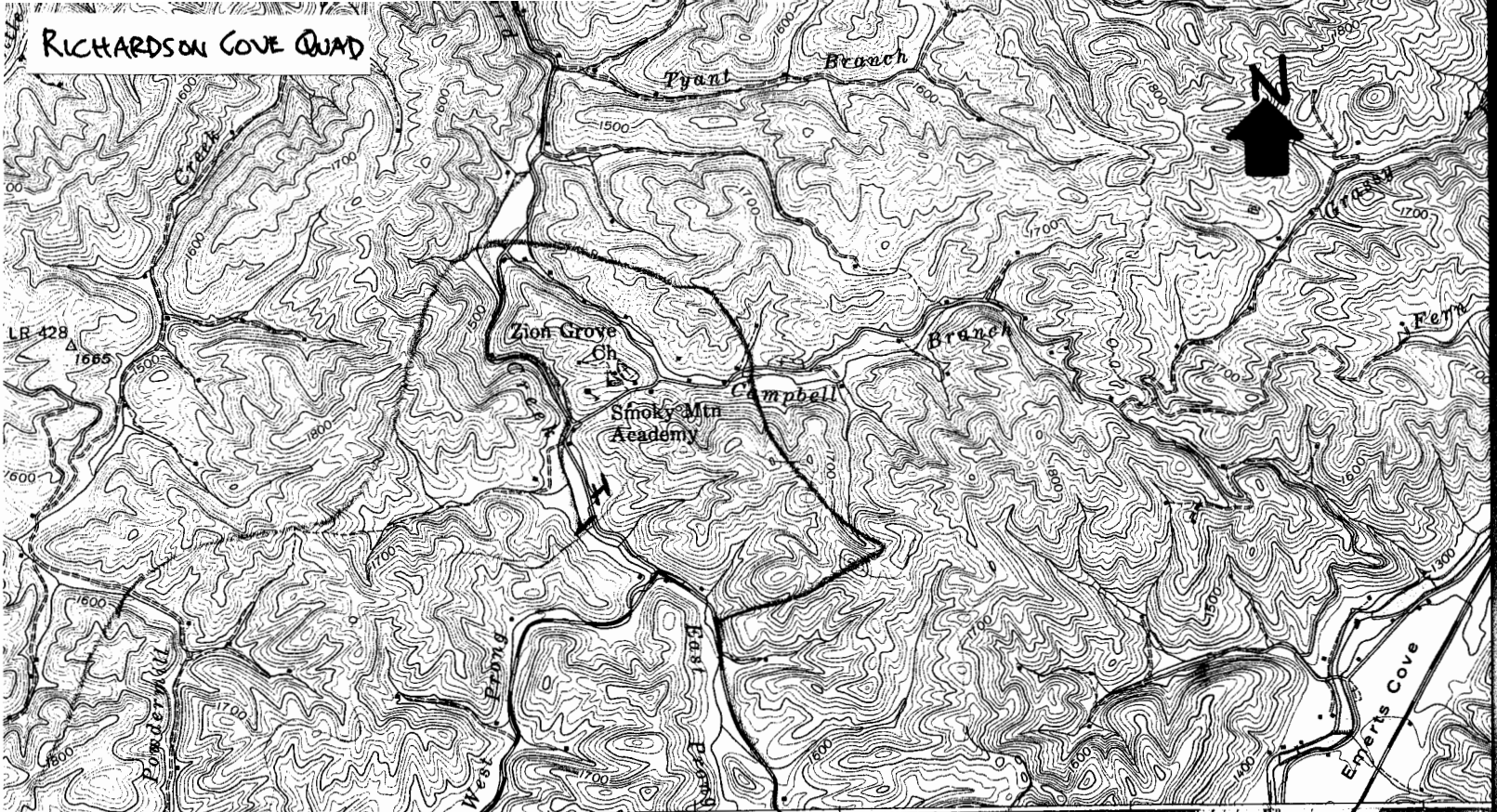
- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

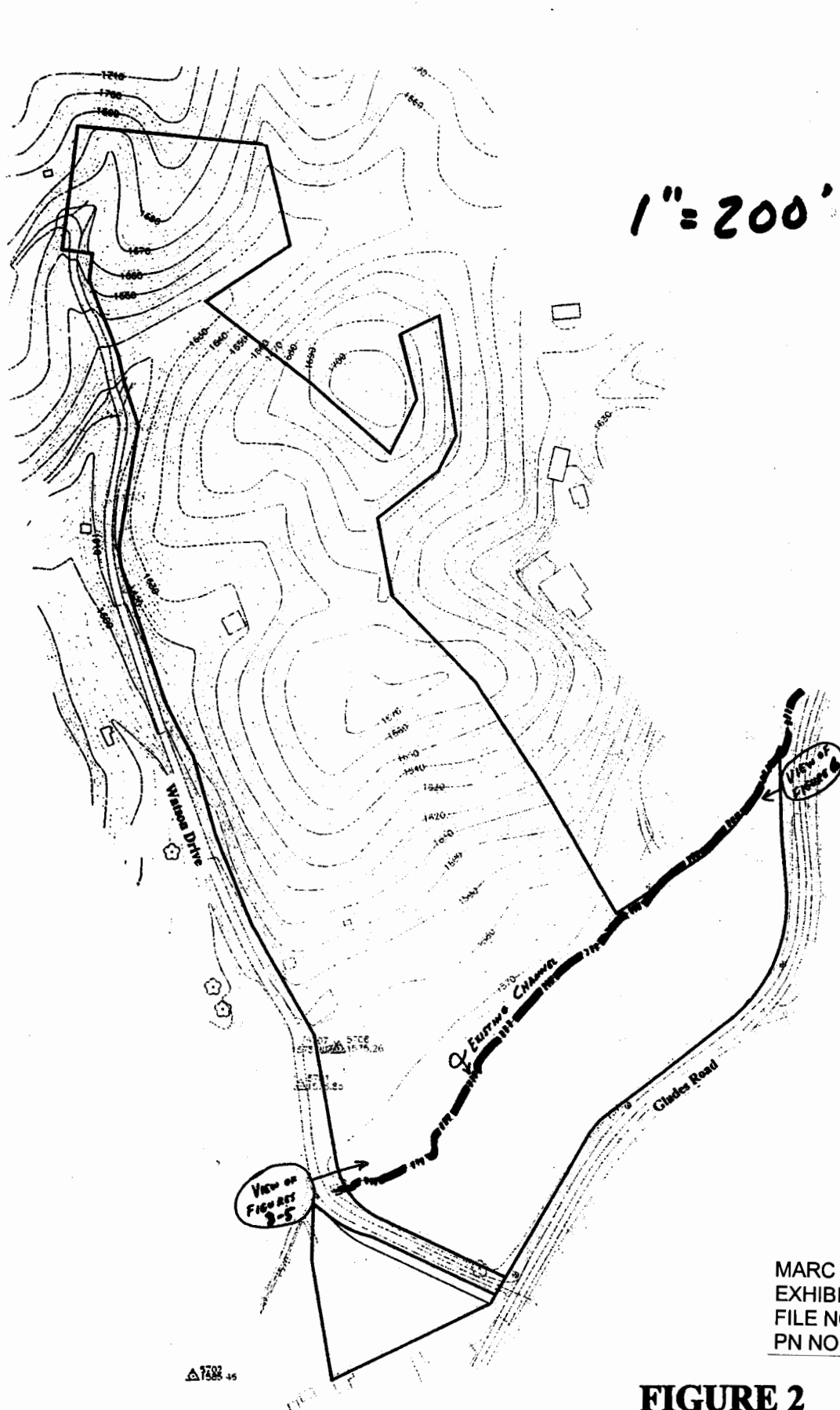
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 18, 2006, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: J. Ruben Hernandez, at the above address, telephone (615) 369 7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Karen Stewart, Holston-Cherokee-Douglas Watershed Team, 3726 E. Morris Boulevard, Morristown, Tennessee 37813-1270. In addition, TWPC will issue a separate public notice for the proposed action. If comments are sent to TWPC, they should be mailed to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.

RICHARDSON COVE QUAD



MARC POSTLEWAITE
EXHIBIT A
FILE NO. 200301651
PN NO. 05-109

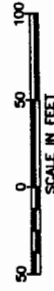


MARC POSTLEWAITE
EXHIBIT B
FILE NO. 200301651
PN NO. 05-109

FIGURE 2
General Site Boundary and Topographic Map

WATSON DRIVE
GLADES ROAD

LOCATION MAP



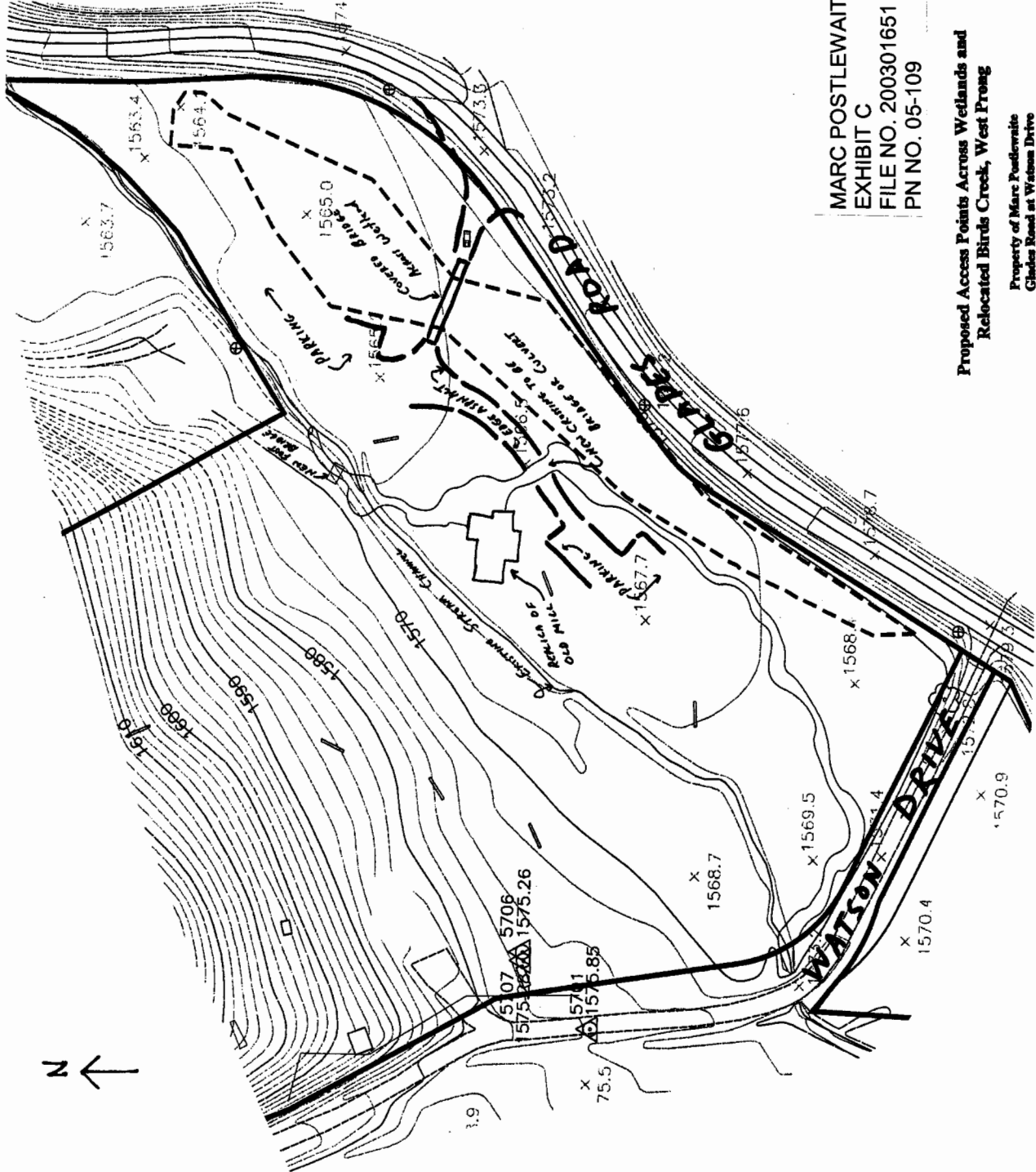
SCALE: 1"=50' DATE: 10-3-05
NORVELL & POE ENGINEERS LLC
 REGISTERED PROFESSIONAL ENGINEERS
 1011 SEVERVILLE ROAD, SUITE 105
 SEVERVILLE, TENNESSEE 37682
 PHONE (865) 429-4653
 FAX (865) 429-4684

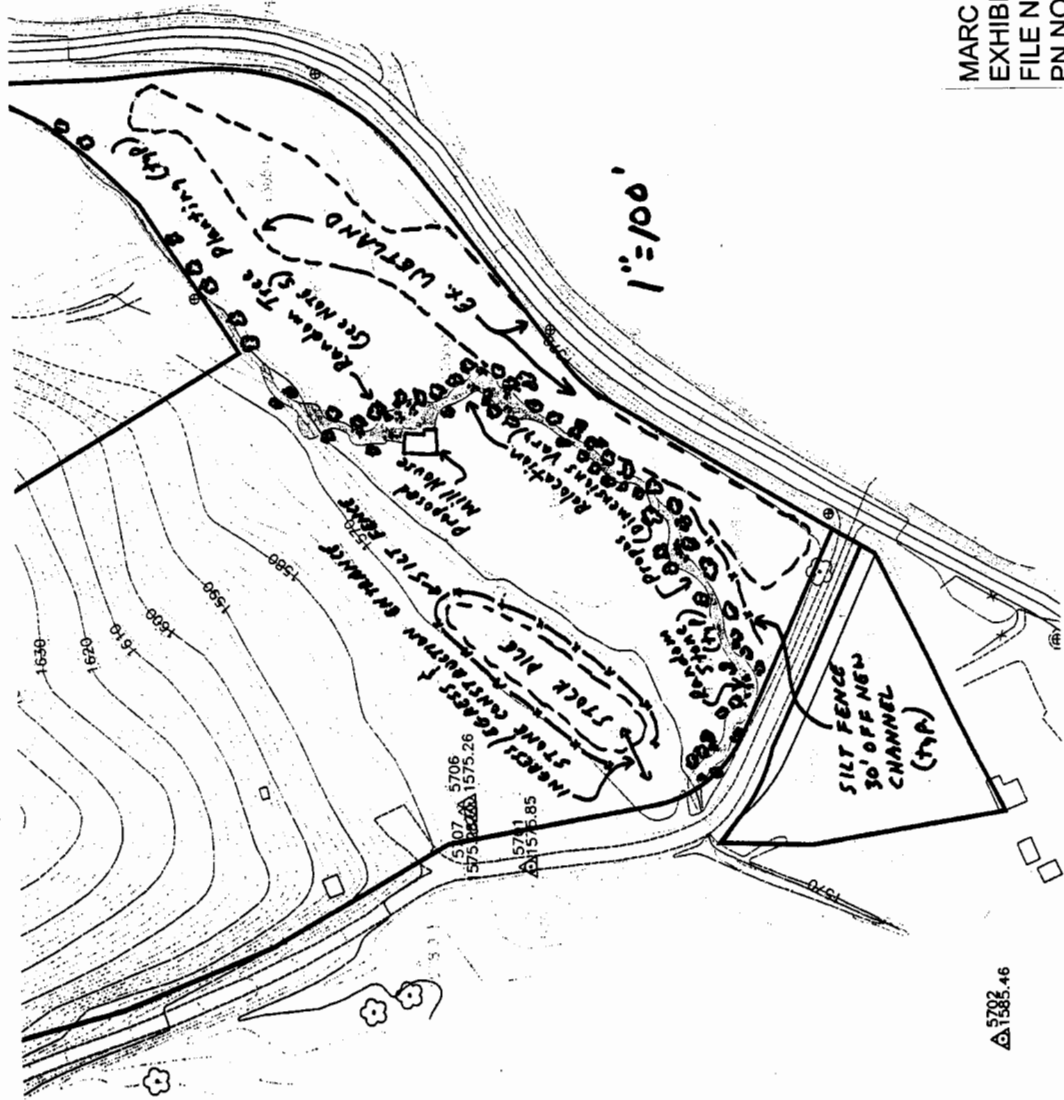


Proposed Access Points Across Wetlands and Relocated Birds Creek, West Prong

Property of Marc Postlewaite
 Charles Road at Watson Drive
 Gatlinburg, Tennessee

MARC POSTLEWAITE
 EXHIBIT C
 FILE NO. 200301651
 PN NO. 05-109





Construction Notes:

1. New channel to be randomly constructed and inconsistent in both vertical and horizontal alignment.
2. Any natural rock encountered during grading is to be left in place and the new channel is to be constructed around its existence.
3. New channel cross sections are to vary in width and depth to produce inconsistent and varying geometry.
4. Natural stream rock is to be placed in varying and inconsistent locations along the new channel to further copy naturally-occurring meanders in the stream bottom.
5. All vegetative plantings of trees along the new bank and slopes are to be of random nature. Only species such as red maple, sycamore, and ash is to be used.
6. New stream bank slopes are to be stabilized with excelsior erosion mat, fescue grass, and naturally occurring wildflower seeds once slopes are completed.
7. The new channel is to be constructed and stabilized with the required vegetation and streambed application before closing the existing stream and routing it into the new channel.
8. All erosion and sediment control measures are to be installed before construction begins and maintained until all grading is complete, bare slopes stabilized, and the existing channel redirected into the new channel.

MARC POSTLEWAITE
EXHIBIT D
FILE NO. 200301651
PN NO. 05-109

FIGURE 7
Construction Plan

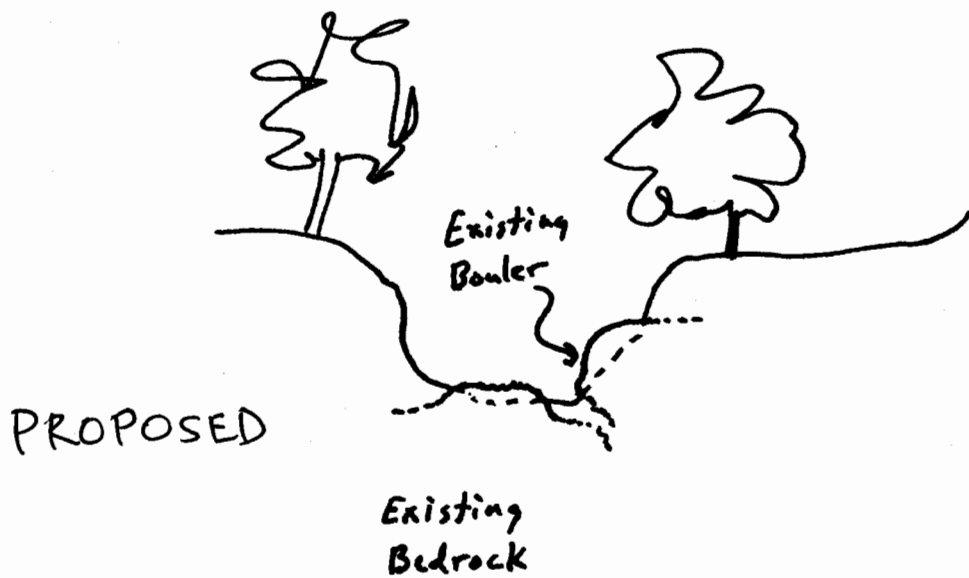
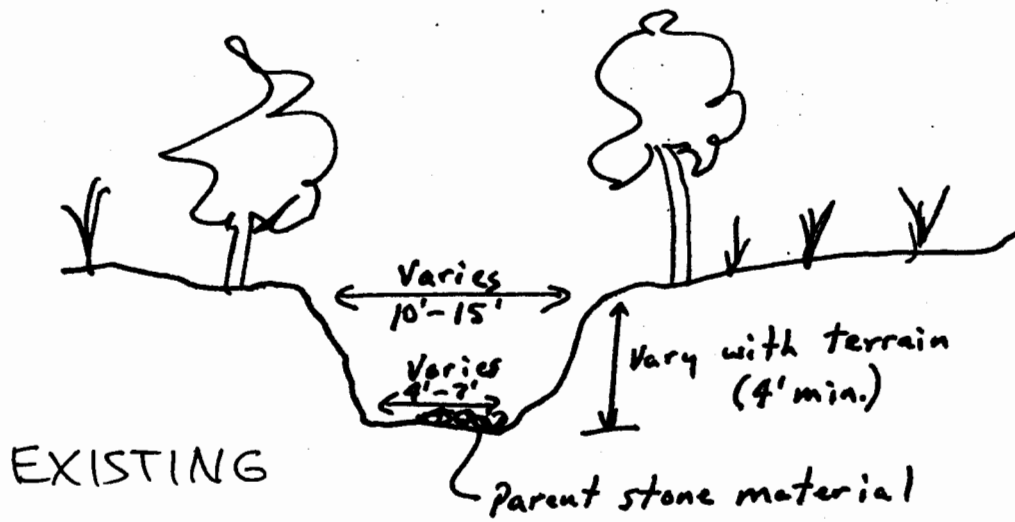


FIGURE 8